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MEDTRONIC, INC.
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OFFICE OF PETITIONS

In re Application of
Stein, et al.
Application No.: 10/040,143
Filed: January 3, 2002
Attorney Docket No.: P-9484.01
For: MEDICAL LEAD AND LEAD
CONNECTOR SYSTEM

ON PETITION

This is a decision on the request for reconsideration under 37 CFR 1.47(a) and the petition under 37 CFR 1.48, both filed on November 18, 2002 (certificate of mailing date November 13, 2002).

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

The petition under 37 CFR 1.48 is **GRANTED**.

The above-identified application was filed on January 3, 2002 without an executed oath or declaration. Accordingly, on February 1, 2002, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration, substitute drawings, and a surcharge for the late filing of the oath or declaration. Applicants' petition under 37 CFR 1.47(a), filed May 9, 2002 (certificate of mailing date May 1, 2002), was dismissed on August 16, 2002 because applicants appeared to be attempting to alter the already fixed inventive entity by way of a Rule 47 petition.

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by: (1) a petition including a statement from each person being added and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part; (2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47; (3) the fee set forth in 37 CFR 1.17 (I); and (4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

Petitioners have complied with the requirements and the petition under 37 CFR 1.48 is granted.

Because all of the named inventors have signed the declaration submitted on November 18, 2002 (certificate of mailing date November 13, 2002), the petition under 37 CFR 1.47(a) is dismissed as moot.

This file is being returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6712.

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for Patent Examination Policy